

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendment and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-25 are currently pending. Claims 1, 11-13, and 21-25, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification, specifically at paragraph [0070].

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. SUPPORT FOR THIS AMENDMENT

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

As an example, support of the amendment can be found at paragraph [0070] of the Specification, which is reproduced as follows:

[0070] In addition, it is also possible to write a production day, a transmission day and so forth of the A 1 data and update the A 1 data when latest data are received with reference to the date or to

compare contents of received data with contents of data stored at present and update, when the contents exhibit a variation, the data of the old contents with the data of the newly received contents.

III. INFORMATION DISCLOSURE STATEMENT

The Office Action (see page 2) stated that the Information Disclosure Statement filed on January 21, 2010 by Applicants failed to comply with 37 C.F.R. 1.98(a)(3) because it did not include a concise explanation of the relevance. The Office Action stated that the two foreign references (JP4032402 and JP10-13798) listed in the Information Disclosure Statement were placed in the application file and were not considered.

Applicants submit that the Information Disclosure Statement filed on January 21, 2010 fully complies with 37 C.F.R. 1.98(a)(3). The requirement of a concise explanation of relevance, according to MPEP 604.09(a)(III), “where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office,” is satisfied by the Information Disclosure Statement filed on January 21, 2010. An English Translation and a copy of an Office Action issued by Japanese Patent Office that cited the two foreign references (JP4032402 and JP10-13798) were submitted on January 21, 2010 along with other documents in the Information Disclosure Statement. The document ID number of the English Translation is “00728922.PDF.”

Therefore, Applicants respectfully request that the Patent Office considers JP4032402 and JP10-13798 that are included in the Information Disclosure Statement submitted on January 21, 2010.

IV. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,585,838 to Lawler, et al. (hereinafter, merely "Lawler") in view of U.S. Patent No. 5,790,198 to Roop, et al. (hereinafter, merely "Roop") and further in view of U.S. Patent No. 6,029,193 to Yamamoto (hereinafter, merely "Yamamoto") and further in view of U.S. Patent No. 5,935,004 to Tarr et al. (hereinafter, merely "Tarr").

V. RESPONSE TO REJECTIONS

1. Claim 1 recites, among other things:

...wherein the first information includes information indicating a transmission day of the first information so that the first information that is received latest is used. (Emphasis added)

Applicants respectfully submit that Lawler, Roop, Yamamoto, and Tarr, taken either alone or in combination, fail to disclose or render predictable the above-identified features of claim 1. Specifically, nothing is found that discloses or renders predictable **wherein the first information includes information indicating a transmission day of the first information so that the first information that is received latest is used**, as recited in claim 1.

Therefore, claim 1 is patentable.

For at least similar or somewhat similar to the above reasons discussed with regard to independent claim 1, independent claims 11-13 and 21-25 are also patentable.

2. *Yamamoto Is Not Prior Art*

Applicants submit that the present application has an effective filing date of October 14, 1996 (JAPAN 8-270916) and August 29, 1997 (JAPAN 9-233647). Applicants submit herewith Certified English translations of these priority documents that show the earliest effective filing date of the present application is October 14, 1996, which is prior to Yamamoto's filing date of June 24, 1997. Thus, Yamamoto is not prior art.

VI. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.


CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800